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UNITED STATES DEPARTMENT OF AGRICULTURE
U. S., BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE
WASHINGTON, D. C.

+

RULES AND REGULATIONS

OF

*Bureau of Entomology and
Plant Quarantine*

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1949 Supplement Chapter III, Title 7, of the
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SUBPART—BLACK STEM RUST [REVISED]

SOURCE: §§ 301.38 to 301.38-11 contained in Quarantine No. 38, 14 F. R. 999, Mar. 5, 1949, except as otherwise noted.

QUARANTINE

§ 301.38 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161) and having held the public hearing required thereunder, the Secretary of Agriculture quarantines each and every State of the continental United States and the District of Columbia, to prevent establishment of continuous local sources of infection of the destructive disease of small grains known as the black stem rust (*Puccinia graminis*) in grain-growing areas. Hereafter, plants of *Berberis*, *Mahonia*, or *Mahoberberis*, or parts thereof capable of propagation, shall not be transported by any person, firm, or corporation, from any State of the United States or the District of Columbia into any other State of the United States or the District of Columbia in manner or method or under conditions other than those prescribed in §§ 301.38-1 to 301.38-11: *Provided*, That the provisions of this quarantine and of the regulations in §§ 301.38-1 to 301.38-11, as they apply to the interstate movement of regulated plants and parts thereof capable of propagation from or between the eradication States, as defined in § 301.38-1 (e), are hereby conditioned upon such regulation by such States of the intrastate movement of such plants and parts thereof and the enforcement thereof and upon such enforcement of other control and

sanitation measures as may be required of them by the Secretary of Agriculture and as shall be adequate to prevent the planting or growing in such States of *Berberis*, *Mahonia*, and *Mahoberberis* plants not known to be resistant to the disease: *Provided further*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the species of plants to which the regulations in §§ 301.38-1 to 301.38-11 apply, making it safe to modify, by making less stringent, the restrictions contained in such supplemental regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective for such period and for such plants or parts thereof capable of propagation as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected States.

REGULATIONS

§ 301.38-1 *Definitions.* For the purposes of the regulations in this subpart the following words, names, and terms shall have the meanings hereby assigned:

(a) *Black stem rust.* The disease commonly known as the black stem rust of grains (*Puccinia graminis*) in any stage of development.

(b) *Barberry, Mahonia, and Mahoberberis plants.* Plants or parts of plants capable of propagation (other than seeds and fruits) of any species, horticultural variety, or hybrid within the genera *Berberis*, *Mahonia*, and *Mahoberberis*.

(c) *Barberry, Mahonia, and Mahoberberis seeds and fruits.* Seeds and fruits of any species, horticultural variety, or hybrid within the genera *Berberis*, *Mahonia*, and *Mahoberberis*.

(d) *Rust-resistant plants.* The species or horticultural varieties within the genera *Berberis*, *Mahonia*, and *Mahoberberis* that have been designated by the Chief of the Bureau of Entomology and Plant Quarantine in administrative instructions as being resistant to the black stem rust.

(e) *Eradication States.* Those States in which *Barberry*, *Mahonia*, and *Mahoberberis* plants susceptible to the black stem rust are being eradicated through

cooperative effort, and which are designated as eradication States in § 301.38-3.

(f) *Inspector.* An inspector of the United States Department of Agriculture authorized to enforce Federal plant quarantines.

(g) *Inspection.* Inspection by an inspector of the United States Department of Agriculture.

(h) *Chief of the Bureau.* Chief of the Bureau of Entomology and Plant Quarantine.

(i) *Moved (move, movement).* Shipped, carried, transported, moved, allowed to be moved, or received for transportation or transported by a common carrier, from one State of the United States or the District of Columbia into or through any other State or the District of Columbia. "Move" and "movement" shall be construed accordingly.

(j) *Permit.* An official document authorizing the interstate movement of regulated products.

§ 301.38-2 *Regulated area.* The entire United States, including the District of Columbia, is hereby designated as the regulated area.

§ 301.38-3 *Eradication States.* The following States in which Barberry, Mahonia, and Mahoberberis plants susceptible to black stem rust are being eradicated through cooperative effort are designated as eradication States: Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

§ 301.38-4 *Regulated products.* Plants, seeds, fruits, and other parts of plants capable of propagation of all species, horticultural varieties, and hybrids of Barberry, Mahonia, and Mahoberberis, exclusive of Mahonia cuttings for decorative purposes, are designated as regulated products.

§ 301.38-5 *Designation of rust-resistant plants.* The Chief of the Bureau is authorized and directed to designate, in administrative instructions supplemental to the regulations in this subpart, the species or horticultural varieties within the genera *Berberis*, *Mahonia*, and *Mahoberberis* that, on the basis of evidence satisfactory to him, are determined to be resistant to black stem rust.

§ 301.38-5a *Administrative instructions; designation of rust-resistant Barberry, Mahonia, and Mahoberberis plants.* The following species and horticultural varieties of *Barberis*, *Mahonia*, and *Mahoberberis* are hereby designated as rust-resistant:

Berberis beaniana.
Berberis buxifolia.
Berberis buxifolia nana.
Berberis candidula.
Berberis chenaultii.
Berberis circumserrata.
Berberis concinna.
Berberis darwinii.
Berberis gagnepainii.
Berberis gilgiana.
Berberis horvathii.
Berberis julianae.
Berberis koreana.
Berberis linearifolia var. Orange King.
Berberis mentorensis.
Berberis potaninii.
Berberis sanguinea.
Berberis sargentiana.
Berberis stenophylla.
Berberis stenophylla diversifolia.
Berberis stenophylla nana compacta.
Berberis thunbergii.
Berberis thunbergii atropurpurea.
Berberis thunbergii erecta.
Berberis thunbergii "globe."
Berberis thunbergii "golden."
Berberis thunbergii maximowiczii.
Berberis thunbergii minor.
Berberis thunbergii pluriflora.
Berberis thunbergii "thornless."
Berberis thunbergii "variegata."
Berberis triacanthophora.
Berberis verruculosa.
Mahonia aquifolium.
Mahonia bealei.
Mahonia dictyota.
Mahonia nervosa.
Mahonia pinnata.
Mahonia repens.

[BEPQ 577, 14 F. R. 1866, Apr. 19, 1949]

§ 301.38-6 *Conditions of movement—*
 (a) *Barberry, Mahonia, and Mahoberberis plants.* (1) Movement is prohibited of *Barberry*, *Mahonia*, and *Mahoberberis* plants other than those designated as rust-resistant, except that parts of *Mahonia* plants without roots intended for decorative purposes are hereby exempted from the requirements of the regulations in this subpart.

(2) Rust-resistant *Barberry* and *Mahoberberis* plants of two seasons' growth, and rust-resistant *Mahonia* plants of one season's growth may be moved when labeled and accompanied by a permit issued in compliance with the regulations in this subpart.

(b) *Barberry, Mahonia, and Mahoberberis seeds and fruits.* (1) Movement of seeds and fruits of Barberry, Mahonia, and Mahoberberis plants into the eradication States is prohibited from any point outside thereof.

(2) Seeds and fruits of Barberry, Mahonia, and Mahoberberis plants may be moved between or from the eradication States, provided they are obtained from rust-resistant plants growing in such States and are accompanied by permits issued in compliance with the regulations in this subpart.

(3) Seeds and fruits of Barberry, Mahonia, and Mahoberberis may be moved between States other than the eradication States without permits. Plants produced from such seeds may be moved only in compliance with the regulations in this subpart, and growers should recognize this in selecting seed sources.

§ 301.38-7 *Conditions governing the issuance of permits—(a) Barberry, Mahonia, and Mahoberberis plants.* (1) Permits will be issued to nurserymen for movement of rust-resistant plants and parts thereof capable of propagation (other than seeds and fruits) after determination by an inspector that no plants other than those which are rust-resistant are growing in the nursery or in the environs thereof. If Barberry, Mahonia, or Mahoberberis plants not designated as rust-resistant are found in the nursery or in the environs thereof permits will be withheld until such plants have been eliminated to the satisfaction of the inspector. Permits will not be issued for the movement of rust-resistant Barberry or Mahoberberis plants until after two seasons of growth or of rust-resistant Mahonia plants until after one season of growth.

(2) Permits will be issued to dealers for movement of rust-resistant Barberry, Mahonia, or Mahoberberis plants when the inspector has determined to his satisfaction that all the plants handled by the dealer are produced by nurserymen who have been issued permits to move plants under the regulations in this subpart.

(b) *Barberry, Mahonia, and Mahoberberis seeds and fruits.* Permits may be issued for movement between or from the eradication States of Barberry, Mahonia, and Mahoberberis seeds and fruits produced within such States after determination that they have been obtained from rust-resistant plants grow-

ing in locations which with their environs are determined by inspection to be free of plants which are not rust-resistant.

(c) *Applications for permits.* (1) Applications for permits should be made, to the Bureau of Entomology and Plant Quarantine, Washington 25, D. C., as far as possible in advance of the proposed date of shipment and shall be made before June 1, 1949, and before May 15 annually thereafter to permit time for inspection during the current growing season.

(2) A nurseryman who applies for a permit to move rust-resistant plants will be required to state in the application that no Barberry, Mahonia, or Mahoberberis plants other than those designated as rust-resistant are growing in his nursery or the environs thereof and to agree that no such plants will be grown. The applicant shall furnish (on the application) a complete list of the species, varieties, and hybrids of Barberry, Mahonia, and Mahoberberis plants growing in the nursery and the approximate number of each.

(3) Dealers who apply for permits to move rust-resistant plants interstate will be required to agree that they will buy or sell only such Barberry, Mahonia, or Mahoberberis plants as are designated by the Chief of the Bureau as rust-resistant and as are obtained from nurserymen having currently valid permits to move such plants. Such dealers will be required to maintain complete records of purchases and sales of such plants, and such records shall be available for examination by an inspector at any reasonable time.

(4) Applicants for permits to move Barberry, Mahonia, or Mahoberberis seeds or fruits from or between the eradication States shall agree that such seeds or fruits will be obtained only from rust-resistant plants growing within the eradication States in locations determined by the inspector as free of plants which are not rust resistant. The applicant shall state the locations of sources from which such seeds or fruits are to be obtained.

(d) *Identification of species.* Applicants for permits (and permittees) shall furnish the inspector with such specimens or other evidence, and the inspector may make such inspection as he shall deem necessary in order to identify the

species, horticultural varieties, or hybrids of Barberry, Mahonia, or Mahoberberis grown or moved by the applicants (permittees).

§ 301.38-8 *Cancellation of permits.* Permits issued under the regulations in this subpart may be canceled in writing by the inspector and further permits refused, either for any failure of compliance with the conditions of the regulations in this subpart or violation of them, after the permittee has been given an opportunity to achieve compliance, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of Barberry, Mahonia, or Mahoberberis plants or seeds or fruits of such plants susceptible to infection by black stem rust.

§ 301.38-9 *Labeling shipments and use of permits.* (a) Each shipment of plants, seeds, or fruits for which a permit is required by the regulations in this subpart shall be plainly marked with the name and address of the consignor and shall bear, securely attached to the outside thereof, a valid permit issued in compliance with the regulations in this subpart. Each package, bundle, or other unit of plants, seeds, or fruits contained in such shipment shall be plainly labeled as to the species or horticultural variety thereof.

(b) In the case of carload and other bulk shipments, a valid permit shall accompany the waybill pertaining to such shipments; and in the case of shipment by truck or other road vehicle the permit shall accompany the vehicle and be surrendered to the consignee on delivery.

§ 301.38-10 *Inspection of regulated products in transit.* Any car or other vehicle, box, or other container moved interstate or received for interstate movement by a common carrier which contains or which the inspector has probable cause to believe contains products the movement of which is prohibited or regulated by the regulations in this subpart shall be subject to inspection at any time or place.

§ 301.38-11 *Shipments for experimental and scientific purposes.* Plants, seeds, and fruits subject to the regulations in this subpart may be moved interstate for experimental or scientific purposes on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau. The articles so

moved shall bear, securely attached to the outside thereof, a permit issued for the purpose.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended, provides that any person who shall violate any of the provisions of the quarantine or regulations in this subpart pursuant thereto shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both fine and imprisonment in the discretion of the court.

SUBPART—JAPANESE BEETLE

REGULATIONS

SOURCE: §§ 301.48-2 to 301.48-9, set forth in this Pocket Supplement, contained in Quarantine No. 48, 14 F. R. 1866, Apr. 19, 1949.

§ 301.48-2 *Regulated areas.* The following States, Districts, counties, townships, cities, towns, boroughs, and magisterial districts or parts thereof, are hereby designated as regulated areas:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York, towns of Auburn and Lewiston, in Androscoggin County, towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tiltonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; city of Auburn, and towns of Fleming, Owasco, and Sennett, in Cayuga County; towns of Amherst, Cheektowaga, and Tonawanda, and cities of Buffalo and Lackawanna, in Erie

County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Morris, in Livingston County; city of Rochester, towns of Brighton, Irondequoit, and Pittsford, and village of East Rochester, in Monroe County; town of Manchester, in Ontario County; town of Schroepel, and cities of Fulton and Oswego, in Oswego County; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and borough of Watkins Glen, in Schuyler County; town of Waterloo, in Seneca County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and city of Glens Falls, in Warren County.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; cities of Ashtabula and Conneaut, in Ashtabula County; city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; townships of Kirtland, Mentor, and Willoughby, and villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in Lake County; townships of Madison and Newark and city of Newark, in Licking County; city of Toledo and township of Washington, in Lucas County; township of Madison and city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, cities of Niles and Warren, and villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in Trumbull County; and city and town of Marietta, in Washington County.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, and the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Linesville, Saegerstown, Springboro, Townsville, Venango, and Woodcock, in Crawford County; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, La-

boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford and Wattsburg, in Erie County; townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in Mercer County.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomac, Arlington, Brunswick, Caroline, Charles City, Chesterfield, Clarke, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Frederick, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Powhatan, Prince George, Prince William, Princess Anne, Rappahannock, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, and York; magisterial district of Elon, in Amherst County; magisterial district of Forest, in Bedford County; magisterial district of Brookville, in Campbell County; town of Shenandoah, in Page County; village of Schoolfield, in Pittsylvania County; town of Pulaski, in Pulaski County; and cities of Alexandria, Charlottesville, Danville, Fredericksburg, Hampton, Hopewell, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, Williamsburg, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Brooke, Hancock, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Ohio, Preston, Taylor, Tucker, and Upshur; magisterial districts of Blue Sulphur and Fort Spring, in Greenbrier County; magisterial districts of Charleston, Elk, Loudon, and Malden, city of Charleston, and town of South Charleston, in Kanawha County; magisterial districts of Sand Hill, Union, Washington and Webster, in Marshall County; city of Princeton, in Mercer County; magisterial district of Wolf Creek, in Monroe County; city of Hinton and magisterial districts of Greenbrier and Talcott, in Summers County; magisterial district of Lincoln, in Tyler County; town of Paden City, in Tyler and Wetzel Counties; cities of Parkersburg and Williamstown and magisterial districts of Lubeck, Parkersburg, Tygard, and Williams, in Wood County.

§ 301.48-4 *Conditions governing movement of regulated articles*—(a) *Certification.* Articles designated in § 301.48-3 may be moved either on direct billing, diversion or reconsignment from a regulated area to or through any point outside thereof only after a certificate or limited permit has been issued therefor in compliance with § 301.48-5, except as follows:

(1) A certificate or limited permit will not be required for the movement of regulated articles when transported via mail or by a common carrier on a through bill of lading from a regulated area through a nonregulated area to another regulated area.

(2) A certificate or limited permit will be required for the movement of any or all of the articles described in § 301.48-3 (b), (3) and (4) only when an inspector's observations in regulated areas disclose either that adult beetles have emerged in large numbers and are actively flying in such quantities that they may infest shipments of these articles to be moved from such areas to nonregulated points, or that such emergence and flight are imminent. Common carriers, shippers, and other interested persons will be informed in advance by appropriate notice of the areas in which these conditions exist, the articles affected, the dates of the imminence or beginning and cessation of adult flights during which certificates or limited permits will be required, and the places where inspections will be made and certificates and permits issued.

[Paragraph (a) amended]

* * * * *

§ 301.48-5 *Conditions governing the issuance of certificates and permits*—(a) *Certification of regulated articles.* Certificates may be issued for the movement of the regulated articles under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized

procedures known to be effective under the conditions applied.

(b) *Safeguards against reinfestation.* Subsequent to certification, as provided in paragraph (a) of this section, the regulated articles must be loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(c) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Bureau of Entomology and Plant Quarantine to maintain such sanitation safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of regulated products and to the cleaning of cars, aircraft, trucks, and other vehicles used in the transportation of such articles as may be required by the inspector.

§ 301.48-8 *Cleaning or treatment of trucks, wagons, cars, aircraft, boats, and other vehicles and containers.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning or treatment of trucks, wagons, cars, aircraft, boats, and other vehicles or other means of transportation, and containers may be required by the inspector before movement to points outside of the regulated areas.

§ 301.48-9 *Inspection in transit.* Any car, aircraft, vehicle, or container of any kind moved interstate or offered for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is controlled by the regulations in this subpart shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetles to noninfested localities, measures to eliminate infestation may be required by the inspector as a condition of further transportation or delivery.

SUBPART—PINK BOLLWORM

REGULATIONS

§ 301.52-2 *Regulated areas.* The following areas are hereby designated as

regulated areas within the meaning of the regulations in this subpart and are further classed as heavily or lightly infested:

(a) *Heavily infested areas.*

Texas. Counties of Brewster, Cameron, Culberson, Jeff Davis, Hidalgo, Hudspeth, Presidio, Terrell, Willacy, and that part of El Paso County lying east of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80, where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner, thence due north to the Texas-New Mexico boundary.

(b) *Lightly infested areas.*

Arizona. Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County¹ except that part lying west of the western boundary line of range 8 east.

New Mexico. Counties of Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, and Valencia.

Oklahoma. Beckham, Caddo, Greer, Harmon, Jackson, Kiowa, Tillman, and Washita.

Texas. Counties of Andrews, Aransas, Atascosa, Bailey, Baylor, Bee, Bexar, Borden, Brooks, Brown, Burnet, Caldwell, Calhoun, Callahan, Childress, Cochran, Coke, Coleman, Collingsworth, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Dawson, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Erath, Fisher, Floyd, Foard, Frio, Gaines, Garza, Glasscock, Goliad, Gonzales, Gray, Guadalupe, Hale, Hall, Hamilton, Hardeman, Haskell, Hays, Hockley, Howard, Irion, Jackson, Jim Hogg, Jim Wells, Jones, Karnes, Kenedy, Kent, King, Kleberg, Knox, Lamb, Lampasas, La Salle, Live Oak, Loving, Lubbock, Lynn, Martin, Mason, Matagorda, Maverick, McCulloch, McMullen, Medina, Menard, Midland, Mills, Mitchell, Motley, Nolan, Nueces, Pecos, Reagan, Reeves, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Starr, Sterling, Stonewall, Taylor, Terry, Throckmorton, Tom Green, Upton, Uvalde, Victoria, Ward, Webb, Wharton, Wheeler, Wichita, Wilbarger, Wilson, Winkler, Yoakum, Zapata, and Zavala; and that part of El Paso County lying west of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80 where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E have a common corner, thence due north to the Texas-New Mexico boundary.

[14 F. R. 2059, Apr. 27, 1949]

¹ Part of the lightly infested area in Arizona is regulated on account of the *Thurberia* weevil under Quarantine No. 61, and shipments therefrom must also comply with the requirements of that quarantine (7 CFR 301.61 et seq.).

§ 301.52-4a *Administrative instructions authorizing additional methods of treating cottonseed—*(a) *Cottonseed from lightly infested area.* * * *

(3) *Dosage.* The dosage of methyl bromide shall be as follows:

Average seed temperature	Dosage rate (lb. per 1,000 cu. ft.)	Exposure period (hours)
60° F. or above	4	24
	6	12
Below 60° F.	5	24
	7.5	12

The dosage shall be introduced as a spray into the return duct at some point beyond the blower.

The circulatory system shall be operated at the beginning for a period to be designated by the inspector in charge.

[Subparagraph (3) amended by BEPQ 558, Rev., 14 F. R. 5733, Sept. 20, 1949]

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**SUBPART—PUERTO RICAN FRUITS AND
VEGETABLES**

REGULATIONS

§ 301.58-11 *Inspection of baggage.* Inspectors are authorized to ascertain by inspection whether any of the fruits or vegetables covered by § 301.58 are contained in the baggage or other personal belongings of passengers and members of the crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States, in order to determine whether the same are infested with injurious insects, and in the case of infested or unauthorized products to require such safeguarding, treatment, or destruction as in the judgment of the inspector may be necessary. For the purpose of such inspection an inspector is authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by § 301.58. Such baggage inspection shall, at the discretion of the inspector, be made either at the port of departure in Puerto Rico or at the port of debarkation within any State, Territory, or District of the United States other than Puerto Rico, and no such baggage or personal belongings of passengers or crew shall be removed from such dock, airport, or landing field until the same have been inspected and passed by an inspector.

[14 F. R. 7307, Dec. 7, 1949]

§ 301.58-12 *Baggage declarations.*
[Revoked]

CODIFICATION: § 301.58-12 was revoked, 14 F. R. 7307, Dec. 7, 1949.

§ 301.58-15 *Special provisions for pre-flight inspection in Puerto Rico of aircraft, cargo, etc.* Notwithstanding any other provisions in the regulations in this subpart, any aircraft proceeding from Puerto Rico to or through any other Territory, State, or District of the United States, and its cargo and stores, and the baggage and other personal belongings of its passengers and crew members, may at the discretion of an inspector, be inspected as provided in this section immediately prior to the departure of such aircraft from Puerto Rico, in lieu of inspection at port of debarkation, and the provisions of §§ 301.58-4 and 301.58-6 through 301.58-12 shall not apply to such aircraft, cargo, stores, baggage, and personal belongings which are so inspected. When such aircraft, cargo, stores, baggage, and personal belongings have been so inspected and found free of articles or insects, the movement of which is prohibited by § 301.58 and the regulations in this subpart, the inspector shall issue a certificate to that effect for delivery to the aircraft commander as evidence for later presentation at the port of debarkation that such inspection has been made. Any aircraft found upon such preflight inspection to contain or to be contaminated with any articles or injurious insects, the movement of which is prohibited by § 301.58 and the regulations in this subpart, shall be disinfected by the person in charge or in possession of such aircraft, under the supervision of an inspector and in manner prescribed by him, before it will qualify for such a certificate. When, for any other reason, in the judgment of the inspector a hazard of spread of injurious insects is presented in the movement of aircraft to be given preflight inspection, disinfection of such aircraft, by the inspector or, under his supervision, by the person in charge or possession of the aircraft, may be required by the inspector before the aircraft will qualify for such a certificate. Articles authorized movement in § 301.58-3 must be inspected and certified, or otherwise approved by the inspector for movement, before being taken aboard any aircraft as cargo, stores, baggage, or otherwise, when such aircraft is to be given preflight inspection, and must in other respects comply with the

requirements of §§ 301.58-3 and 301.58-5 except insofar as contrary provision is made in this section.

[Quarantine 58, 14 F. R. 335, Jan. 26, 1949]

SUBPART—MEXICAN FRUITFLY

RULES AND REGULATIONS

§ 301.64-4a *Administrative instructions; methods of treatment of grapefruit and oranges for the Mexican fruitfly.* (a) Any of the approved vapor-heat or low-temperature methods of treatment specified in paragraph (b) of this section will meet sterilization requirements imposed under § 301.64-4 (e) as a condition of the issuance of permits for the interstate movement of grapefruit and oranges, if the treatment is conducted in a heat-treating room or refrigeration plant, as the case may be, which is located in the regulated area and is approved by the Bureau of Entomology and Plant Quarantine, and if it is conducted under the supervision of an inspector of said Bureau who at all times has access to the fruit while it is undergoing treatment. The Bureau will approve only those rooms and plants which are adequately equipped to handle and treat the fruit as provided in this section. While the results of experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in using the approved methods of treatment may result in injury to the fruit treated. In approving treatments specified in paragraph (b) of this section the United States Department of Agriculture does not accept responsibility for fruit injury.

(b) *Approved methods of treatment—*
(1) *Vapor-heat methods.* In approved vapor-heat treatments the fruit is heated by saturated vapor at 110° F. which in condensing on the fruit gives up its latent heat. This latent heat is essential in assuring mortality of eggs and larvae of the Mexican fruitfly and in raising the temperature of the fruit evenly and quickly so as to prevent damage to the fruit. In practice in such treatments the saturated vapor is accompanied by a fine water mist and air admixture. The fruit is cooled immediately after treatment, and no wax or paraffin, either dry or in solution, is used until after the treatment has been completed. Vapor-heat treatments are approved only if the vapor conditions within the heat-treating room, the manner of stacking the field boxes containing the fruit in the room,

and all other conditions affecting the efficacy of the treatment are satisfactory, in the opinion of the supervising inspector, to assure mortality of eggs and larvae of the Mexican fruitfly. The following methods of vapor-heat treatment, when conducted in accordance with the principles stated above in this paragraph and in paragraph (a) of this section, are approved:

(i) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 8 hours and shall be held at that level during the following 6 hours. This method is adapted to sterilization plants that do not have the capacity to increase the temperature of the fruit steeply at the beginning of the treating period.

(ii) The temperature of the fruit shall be raised to 110° F., at the approximate center of the fruit, in a period of 6 hours and shall be held at that level during the following 4 hours. The temperature of the fruit must be raised rapidly during the first 2 hours, after which it may be gradually raised to 110° F. in the following 4 hours.

(2) *Low-temperature methods.* The following methods of low-temperature treatment, when conducted in accordance with the principles stated in paragraph (a) of this section, are approved:

(i) The fruit shall be cooled until the temperature at the approximate center of the fruit reaches 33° F. and shall be held at or below that temperature for a period of 18 days.

(ii) The fruit shall be cooled until the temperature at the approximate center of the fruit reaches 34° F. and shall be held at or below that temperature for a period of 20 days.

(iii) The fruit shall be cooled until the temperature at the approximate center of the fruit reaches 35° F. and shall be held at or below that temperature for a period of 22 days.

[BEPQ 575, 14 F. R. 477, Feb. 4, 1949]

SUBPART—WHITE-FRINGED BEETLE [REVISED]

QUARANTINE

SOURCE: §§ 301.72 to 301.72-9 contained in Quarantine No. 72, 14 F. R. 1207, Mar. 17, 1949, except as otherwise noted.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture, having held

the public hearing required thereunder, quarantines the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, to prevent the spread of infestations of destructive introduced species of the genus *Graphognathus*, commonly known as white-fringed beetles, and under authority contained in the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), the Secretary of Agriculture prescribes regulations in this subpart governing the movement of white-fringed beetles and carriers thereof. Hereafter, (a) live white-fringed beetles in any stage of development; (b) soil independent of or in connection with nursery stock, plants, or other plants; and (c) nursery stock, other plants or plant products, and other articles stipulated in said regulations shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory of the United States or the District of Columbia in manner or method or under conditions other than those prescribed in §§ 301.72-1 to 301.72-9: *Provided*, That the requirements of this quarantine and of the regulations in §§ 301.72-1 to 301.72-9 are hereby limited to the areas in a quarantined State which are now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, adequate, in his judgment, to prevent the spread of the white-fringed beetles, but any such limitations are hereby conditioned upon the control by the affected State or States, of the intrastate movement of said insect pests and carriers thereof under the same conditions as apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations

in §§ 301.72-1 to 301.72-9 apply, except live white-fringed beetles in any stage of development, making it safe to modify, by making less stringent, the restrictions contained in such supplemental regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.72a *Administrative instructions; articles exempt from certification.* (a) The following articles are hereby exempted from the certification requirements of the regulations of the quarantine when they are free from soil, when they have not been exposed to infestation, and when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector.

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Cinders.

(4) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(b) Certification will still be required for the following articles and materials.

(1) Soil, compost, manure, peat, muck, clay, sand, or gravel, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things (processed clay and washed or processed sand and gravel are not regulated).

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Potatoes (Irish), when freshly harvested.

(6) Peanuts in shells and peanut shells.

(7) Peanut hay.

(8) Scrap metal and junk.

[BEPQ 485, 17th Rev., 14 F. R. 1611, Apr. 6, 1949]

RULES AND REGULATIONS

§ 301.72-1 *Definitions.* For purposes of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *Pests.* Species of the genus *Graphognathus*, commonly known as white-fringed beetles, in any stage of development.

(b) *Infested (infestation).* Infested by the pests. "Infestation" shall be construed accordingly.

(c) *Regulated area.* Any area in a quarantined State designated as regulated in § 301.72-2.

(d) *Infested area.* That portion of the regulated area in which infestation exists, or in the vicinity of which infestation is known to exist under such conditions as to expose the area to infestation by natural spread of beetles, as determined by an inspector.

(e) *Regulated articles.* Products or articles of any character whatsoever, the movement of which is regulated by the quarantine and regulations in this subpart.

(f) *Nursery stock.* Forest, field, greenhouse-grown, and pot-grown plants with roots, including all ornamental and vegetable plants.

(g) *Chief of the Bureau.* Chief of the Bureau of Entomology and Plant Quarantine.

(h) *Inspector.* A duly authorized Federal plant-quarantine inspector.

(i) *Moved (move, movement).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any regulated area of a quarantined State into or through any other State or Territory or District. "Move" and "movement" shall be construed accordingly.

(j) *Certificate.* A document issued by an inspector for use on individual containers, packages, parcels, or units of regulated articles, authorizing their movement from the regulated areas.

(k) *Master certificate.* A document, indicating the quantity and nature of the articles covered thereby, issued by an inspector for use with bulk or lot shipments of regulated articles by rail, boat, or road vehicle, authorizing their movement from the regulated areas.

(l) *Limited permit.* A document, issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized destinations for processing or other regulated safe handling.

(m) *Dealer-carrier agreement.* A document constituting an agreement to comply with stipulated quarantine conditions, executed by persons or firms engaged in purchasing, handling, processing, utilizing, or moving regulated articles.

(n) *Administrative instructions.* Documents relating to the enforcement of the quarantine in this subpart issued under authority of the provisions thereof by the Chief of the Bureau.

§ 301.72-2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

Alabama; Baldwin County: Sec. 31, T. 7 S., R. 4 E.; secs. 35 and 36, T. 7 S., R. 3 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 6 and 7, T. 8 S., R. 4 E.; and secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.

Clarke County: N $\frac{1}{3}$ T. 8 N., R. 3 E., and S $\frac{1}{3}$ T. 9 N., R. 3 E., including all of the town of Grove Hill.

Coffee County: S $\frac{2}{3}$ T. 4 N., R. 20 E.; and all that part of T. 3 N., R. 20 E., lying in Coffee County.

Conecuh County: W $\frac{2}{3}$ T. 5 N., R. 9 E.; and those parts of T. 4 N., R. 6 E., Tps. 4 and 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., W $\frac{2}{3}$ T. 6 N., R. 9 E., and Tps. 7 and 8 N., R. 9 E., lying in Conecuh County.

Covington County: Secs. 30 and 31, T. 2 N., R. 18 E., S $\frac{1}{3}$ Tps. 2 N., Rs. 16 and 17 E., secs. 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, and 22, T. 2 N., R. 16 E.; secs. 25, 26, 35, and 36, T. 2 N., R. 15 E., E $\frac{1}{3}$ T. 1 N., R. 15 E., Tps. 1 N., Rs. 16, 17, and 18 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 22 and 27, T. 6 N., R. 23 W.; N $\frac{5}{6}$ T. 3 N., R. 18 E.; W $\frac{2}{3}$ T. 4 N., R. 18 E., including all of the city of Opp; all of T. 4 N., R. 17 E.; E $\frac{1}{3}$ T. 4 N., R. 16 E.; N $\frac{1}{6}$ and secs. 12, 13, 24, and 25, T. 3 N., R. 17 E.; secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 4 N., R. 15 E.; and secs. 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, and 34, T. 3 N., R. 16 E.

Crenshaw County: Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dallas County: That area included within a boundary beginning on the Southern Railway where it crosses Boguechitto Creek, thence SW. along the Southern Railway to Caine Creek, thence SE. along Caine Creek to its intersection with Boguechitto Creek, and thence northward along Boguechitto

Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E.; E $\frac{1}{6}$ T. 14 N., R. 10 E.; and that area included within a boundary beginning at a point where the south line of sec. 14, T. 16 N., R. 10 E., intersects Alabama River, thence east to a point where the south line of sec. 14, T. 16 N., R. 11 E., intersects Alabama River, and thence downstream along Alabama River to the point of beginning.

Escambia County: Secs. 1, 2, 11, 12, 13, 14, 32, 33, 34, 35, and 36, T. 1 N., R. 8 E., including all of the town of Flomaton; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama-Florida State line; and N $\frac{1}{2}$ Tps. 3 N., Rs. 6 and 7 E.

Geneva County: Secs. 31, 32, 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; secs. 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 1 N., R. 20 E.; and all that part of T. 3 N., R. 20 E., lying in Geneva County.

Jefferson County: Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Loundes County: All of T. 14 N., R. 12 E.

Mobile County: That area included within a boundary beginning at the intersection of Mobile River and the north boundary of S $\frac{1}{2}$ T. 3 S., R. 1 W., thence west along said north boundary to Eight Mile Creek, thence southwesterly along Eight Mile Creek to the point of intersection with the range line between Rs. 1 and 2 W., thence south along said range line to the Mobile city limits at Bolton Creek, thence following the Mobile city limits easterly to Mobile Bay, and thence north along Mobile Bay and Mobile River to the starting point; all of Blakeley, Pinto, and Sand Islands; secs. 29, 30, 31, and 32, T. 3 S., R. 2 W.; secs. 5, 6, 7, and 8, T. 4 S., R. 2 W.; secs. 25, 26, 35, and 36, T. 3 S., R. 3 W.; secs. 1, 2, 11, and 12, T. 4 S., R. 3 W.; and that area included within a boundary beginning at a point where Halls Mill Creek intersects the range line between Rs. 2 and 3 W., thence west to the Dawes-Dees Road, thence southwest along said road to the Alabama-Mississippi State line, thence south to the south line of sec. 8, T. 7 S., R. 4 W., thence east to the southeast corner sec. 9, T. 7 S., R. 3 W., thence north to the northeast corner sec. 4, T. 7 S., R. 3 W., thence east to the southeast corner sec. 33, T. 6 S., R. 2 W., thence north to the northeast corner sec. 28, T. 6 S., R. 2 W., thence east to the southeast corner sec. 24, T. 6 S., R. 2 W., thence north to Halls Mill Creek, and thence upstream along Halls Mill Creek to the point of beginning.

Monroe County: S $\frac{1}{2}$ T. 5 N., R. 6 E.; NE $\frac{1}{4}$ T. 5 N., E $\frac{1}{2}$ Tps. 6, 7, 8, and 9 N., and SE $\frac{1}{4}$ T. 10 N., R. 7 E.; Tps. 7, 8, and 9 N., and S $\frac{1}{2}$ T. 10 N., R. 8 E.; all of T. 9 N., and S $\frac{1}{2}$ T. 10 N., R. 9 E.; and those parts of Tps. 3 and 4 N., R. 6 E., T. 4 N., and S $\frac{1}{2}$ T. 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., and Tps. 6, 7, and 8 N., R. 9 E., lying in Monroe County.

Montgomery County: That area included within a boundary beginning at a point where the east line of sec. 11, T. 17 N., R. 18 E., intersects Tallapoosa River, thence downstream along Tallapoosa River to its confluence with Dead River, thence along Dead River to its confluence with Alabama River, thence along Alabama River to a point where it intersects the west line of sec. 28, T. 17 N., R. 17 E., thence south along the section line to the SW. corner sec. 28, T. 16 N., R. 17 E., thence east along the section line to the SE. corner sec. 26, T. 16 N., R. 18 E., and thence north along the section line to the point of beginning.

Wilcox County: N $\frac{1}{2}$ T. 10 N., and all of T. 11 N., R. 9 E.; N $\frac{1}{2}$ T. 10 N., R. 8 E.; NE $\frac{1}{4}$ T. 10 N., R. 7 E.; NE $\frac{1}{4}$ T. 10 N., R. 10 E.; SW $\frac{1}{4}$ T. 12 N., R. 9 E.; and SE $\frac{1}{4}$ T. 12 N., R. 8 E.

Florida; Escambia County: All that part lying south of the north boundary of T. 1 N., including all of the city of Pensacola; that part of the county lying north of the south boundary and east of the west boundary of T. 5 N., R. 31 W.; E $\frac{2}{3}$ T. 5 N., R. 32 W.; and secs. 33, 34, 35, and 36, T. 6 N., R. 32 W.

Holmes County: Secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 15 W.; and secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 5 N., R. 15 W.

Jackson County: S $\frac{5}{6}$ T. 4 N., R. 8 W., except secs. 12, 13, 24, 25, and 36, and E $\frac{1}{3}$ T. 4 N., R. 9 W., except secs. 1 and 2, including all of the towns of Cypress and Grand Ridge.

Okaloosa County: T. 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, and 24, T. 3 N., R. 24 W.

Santa Rosa County: Secs. 2, 3, 4, and 5, T. 5 N., R. 28 W., and all area north thereof to the Florida-Alabama State line.

Walton County: All of Tps. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; Tps. 4 N., Rs. 19 and 20 W.; that part of T. 3 N., R. 20 W., lying north of U. S. Highway No. 90; all of T. 3 N., R. 19 W.; and that part of T. 4 N., R. 18 W., lying in Walton County.

Georgia; Baldwin County: That area included within the corporate limits of the city of Milledgeville.

Ben Hill County: That area bounded on the east by a line parallel to and $\frac{1}{2}$ mile east of the Fitzgerald city limits, on the south by a line parallel to and $\frac{1}{2}$ mile south of the Fitzgerald city limits, on the west by a line parallel to and $\frac{1}{2}$ mile west of the Fitzgerald city limits, on the north by a line parallel to and $\frac{1}{2}$ mile north of the Fitzgerald city limits, and the projections of such lines to their intersections, including all of the city of Fitzgerald.

Bibb County: That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of

Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County: That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a circle having a $2\frac{1}{2}$ -mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines.

Bulloch County: That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County: That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, included all of the city of Waynesboro.

Candler County: That area included within a circle having a $1\frac{1}{4}$ -mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Clayton County: That area located between the town of Lovejoy and the city of Jonesboro included within land lots numbers 98, 99, 100, 124, 125, 126, 127, 130, 131, 132, 133, 157, 158, and 159 in the Sixth Land District.

Coffee County: That area included within the corporate limits of the city of Douglas; and that area included within a circle having a 1-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose.

Crawford County: That area included within a circle having a $1\frac{1}{2}$ -mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County: That area included within the corporate limits of the city of Cordele.

Dodge County: That area included within land lot numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County: That area included within a circle having a $1\frac{1}{2}$ -mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Evans County: That area included within a circle having a 1-mile radius and center at

the Seaboard Air Line Railroad depot in Daisy, including all of the town of Daisy.

Houston County: That area included within the Lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a center line to the junction with and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a center line to the junction with and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County: That area included within a circle having a $\frac{1}{2}$ -mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within the corporate limits of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a center line for a distance of $1\frac{1}{4}$ miles beyond the Atlanta, Birmingham and Coast Railroad station in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a center line to the east boundary of said militia district.

Jasper County: That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County: That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County: That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ochopee River.

Laurens County: That area bounded on the east by Oconee River, on the south by Long Branch, on the north by the north boundary line of the Georgia Militia District of Dublin, and on the west by a line beginning at the point where Georgia State Highway 19 crosses Sandy Ford Branch west of Dublin and extended due north and due south to the points of its intersections with the north and south boundaries, including

all of the city of Dublin; that portion of the Georgia Militia District of Harvard included within a circle having a $2\frac{1}{2}$ -mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of that portion of Allentown lying in Laurens County; that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek; and that area included within a circle having a 1-mile radius and center at the Macon, Dublin and Savannah Railroad depot in Dudley, including all of the town of Dudley.

Macon County: That area included within the Georgia Militia District of Marshallville, including all of the town of Marshallville; that portion of the Georgia Militia District of Montezuma lying north of the city of Montezuma and bounded on the east by the Central of Georgia Railway; and those areas included within the corporate limits of the cities of Montezuma and Oglethorpe.

Monroe County: That area included within the corporate limits of the city of Forsyth.

Montgomery County: That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Ailey.

Newton County: That area included within a circle having a 1-mile radius and center at the Porterdales High School, including all of the town of Porterdales.

Peach County: That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County: That area included within the Georgia Militia District of Ashbank.

Richmond County: That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Screven County: That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County: That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

Taylor County: That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a $2\frac{1}{2}$ -mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Telfair County: Those areas included within the corporate limits of the town of Helena and the city of McRae.

Toombs County: That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County: That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a center line to the Treutlen-Montgomery County line.

Turner County: That area bounded on the east by a line parallel to and $\frac{1}{2}$ mile east of the Sycamore town limits, on the south by a line parallel to and $\frac{1}{2}$ mile south of the Sycamore town limits, on the west by a line parallel to and $\frac{1}{2}$ mile west of the Sycamore town limits, on the north by a line parallel to and $\frac{1}{2}$ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore.

Twiggs County: That portion of the Georgia Militia District of Higgsville included within a circle having a $2\frac{1}{2}$ -mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of those portions of Allentown and Danville lying in Twiggs County.

Washington County: That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennille.

Wheeler County: That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County: That portion of the Georgia Militia District of Turkey Creek included within a circle having a $2\frac{1}{2}$ -mile radius and center at the intersection of the Bleckley, Laurens, Twiggs, and Wilkinson County lines, including all of those portions of Allentown and Danville lying in Wilkinson County.

Louisiana. All of Orleans Parish, including the city of New Orleans; and all of Saint Bernard Parish.

East Baton Rouge Parish: Tps. 7 S., Rs. 1 and 2 E.

Iberia Parish: Secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 46, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.

Jefferson Parish: That part lying north of the township line between Tps. 14 and 15 S.

Plaquemines Parish: That part lying north of the township line between Tps. 15 and 16 S.

Saint Tammany Parish: Secs. 38, 39, and 40, T. 7 S., R. 11 E.; and secs. 40 and 41, T. 8 S., R. 11 E.

Tangipahoa Parish: Secs. 32, 33, and 50, T. 3 S., R. 7 E., and secs. 4, 5, 8, 9, 10, 50, and 54,

T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish: All of sec. 45, T. 3 S., R. 13 E.; and those parts of secs. 13 and 46, T. 3 S., R. 13 E., lying east of Louisiana State Highway 264.

Mississippi; Covington County: $W\frac{1}{2}$ T. 8 N., R. 14 W., and all of T. 8 N., R. 15 W.; $S\frac{2}{3}$ Tps. 8 N., Rs. 16 and 17 W.; $N\frac{1}{6}$ T. 7 N., R. 16 W., and that part of $N\frac{1}{6}$ T. 7 N., R. 17 W., lying in Covington County; T. 7 N., R. 15 W.; $E\frac{1}{2}$ T. 6 N., R. 15 W.; $W\frac{1}{2}$ T. 6 N., R. 14 W.; secs. 28, 29, 30, 31, 32, and 33, T. 7 N., R. 14 W.; those parts of $NW\frac{1}{4}$ T. 9 N., R. 16 W. and $NE\frac{1}{4}$ T. 9 N., R. 17 W., lying in Covington County; and that part of $SW\frac{1}{4}$ T. 7 N., R. 16 W., lying in Covington County.

Forrest County: T. 5 N., R. 14 W.; $S\frac{1}{3}$ T. 5 N., R. 13 W., and that part of $N\frac{2}{3}$ T. 5 N., R. 13 W., lying west of Leaf River; Tps. 3 and 4 N., R. 13 W.; those parts of Tps. 3 and 4 N., R. 12 W., lying west and south of Leaf River; Tps. 1 and 2 N., R. 12 W.; T. 1 S., R. 12 W.; and $E\frac{1}{3}$ T. 1 S., R. 13 W.

George County: Secs. 27, 28, 29, 32, 33, and 34, T. 1 S., R. 6 W., and secs. 3, 4, and 5, T. 2 S., R. 6 W., including all of the town of Lucedale.

Hancock County: $SE\frac{1}{4}$ and secs. 13, 14, and 15, T. 5 S., R. 14 W.; Tps. 8 and 9 S., R. 14 W., including all of the city of Bay Saint Louis; and $NW\frac{1}{4}$ T. 6 S., R. 15 W.

Harrison County: All of Harrison County except that part lying northeast of a line beginning at the NE. corner sec. 30, T. 4 S., R. 10 W., and extending southward to the NE. corner sec. 31, T. 6 S., R. 10 W., and thence eastward along the section line to the Harrison-Jackson County line.

Hinds County: $E\frac{5}{6}$ T. 6 N., R. 3 W.; and $W\frac{1}{3}$ T. 6 N., R. 2 W.

Jackson County: That area included within a boundary beginning at a point where the east line of sec. 16, T. 7 S., R. 5 W., intersects Escatawpa River, thence southwest along said river to its intersection with East Pascagoula River, thence south along East Pascagoula River to Mississippi Sound, thence east along Mississippi Sound to the east line of sec. 28, T. 8 S., R. 5 W., thence north to the point of beginning; all that part of T. 7 S., R. 9 W., lying in Jackson County; and $W\frac{2}{3}$ Tps. 7 and 8 S., R. 8 W.

Jefferson Davis County: Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 8 N., R. 19 W.; $NE\frac{1}{4}$ T. 7 N., R. 19 W., including all of the town of Prentiss; secs. 5, 6, 7, 8, 17, and 18, T. 7 N., R. 18 W.; $S\frac{2}{3}$ T. 8 N., R. 18 W.; that part of $N\frac{1}{6}$ T. 7 N., R. 17 W., lying in Jefferson Davis County; and that part of $SW\frac{1}{4}$ T. 7 N., R. 16 W., lying in Jefferson Davis County.

Jones County: That part of T. 10 N., R. 11 W., lying in Jones County, except secs. 24, 25, and 36; those parts of Tps. 10 N., Rs. 12 and 13 W., lying in Jones County; all of Tps. 9 N., Rs. 12 and 13 W.; all of T. 9 N., R. 11 W., except secs. 1 and 12; $E\frac{2}{3}$ and secs. 29, 30, 31, and 32, T. 8 N., R. 12 W.; $N\frac{2}{3}$ T. 8 N., R. 11 W.; $N\frac{1}{2}$ T. 7 N., R. 12 W.; secs. 29, 30, 31, and 32, and those parts of secs. 28 and 33 lying

west of Leaf River, all in T. 6 N., R. 13 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.

Lamar County: All of Tps. 2, 3, and 4 N., R. 14 W., including all of the town of Purvis; that part of T. 1 N., R. 14 W., lying in Lamar County; E $\frac{1}{3}$ T. 1 N., R. 15 W.; secs. 1 and 2, T. 1 S., R. 15 W.; and sec. 6, T. 1 S., R. 14 W., including all of the city of Lumberton.

Pearl River County: W $\frac{1}{2}$ T. 2 S., R. 15 W.; secs. 3, 4, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 1 S., R. 15 W.; E $\frac{1}{6}$ T. 2 S., R. 16 W.; all of T. 5 S., R. 16 W.; E $\frac{1}{2}$ T. 5 S., R. 17 W.; Tps. 3 and 4 S., R. 15 W.; W $\frac{1}{2}$ T. 4 S., R. 14 W.; and NE $\frac{1}{4}$ T. 6 S., R. 16 W.

Perry County: S $\frac{2}{3}$ T. 3 N., R. 11 W.; and secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 3 N., R. 10 W.

Rankin County: E $\frac{1}{2}$ T. 3 N., R. 2 E.; and all of T. 3 N., R. 3 E.

Simpson County: E $\frac{2}{3}$ T. 2 N., R. 3 E.; all of T. 2 N., R. 4 E.; N $\frac{1}{6}$ T. 1 N., R. 4 E.; secs. 29, 30, 31, and 32, T. 1 N., R. 6 E.; secs. 25, 26, 35, and 36, T. 1 N., R. 5 E.; secs. 4, 5, 6, 7, 8, and 9, T. 10 N., R. 17 W.; and secs. 1 and 12, T. 10 N., R. 18 W.

Stone County: W $\frac{1}{3}$ Tps. 2 and 3 S., R. 11 W.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 4 S., R. 11 W.; E $\frac{1}{3}$ and secs. 3, 4, 5, 8, 9, and 10, T. 2 S., R. 12 W.; E $\frac{1}{3}$ T. 3 S., R. 12 W.; and secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.

North Carolina; Anson County: An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

Bladen County: That area included within the corporate limits of the town of Bladenboro.

Brunswick County: All of Eagles Island.

Cumberland County: That area included within a circle having a 4 $\frac{1}{2}$ -mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County: That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Jones County: An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1 $\frac{1}{2}$ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a center line for a distance of 3 miles.

New Hanover County: That area included within the corporate limits of the city of

Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the new Sunset Park-Winter Park Road.

Onslow County: An area 1 mile wide beginning at the east boundary of Hoffmann Forest and extending southwesterly along U. S. Highway No. 17 with said highway as a center line through the town of Jacksonville to Southwest Creek; an area 1 mile wide beginning at Northeast Creek and extending northwesterly along North Carolina State Highway 24 with said highway as a center line to its junction with the above-described mile-wide area extending along U. S. Highway No. 17; and all of the town of Jacksonville.

Pender County: Townships of Burgaw, Caswell, Long Creek, and Rocky Point; that part of Columbia Township lying south of a straight line constituting a projection eastwardly of the north boundary line of Caswell Township to its intersection with the north boundary of Burgaw Township; and that part of Grady Township north of the Long Creek-Montague-Burrough Road.

Robeson County: That area bounded on the south by a line $\frac{1}{2}$ mile south of and parallel to the south corporate limits of Parkton, on the west by a line $\frac{3}{10}$ mile west of and parallel to the west corporate limits of Parkton, on the north and east by the north and east corporation limit lines, respectively, of Parkton, and the projections of such lines to their intersections.

Union County: An area 2 miles wide beginning at a line projected due north and due south at a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a center line to the Union-Anson County line, including all of the town of Marshville.

Wayne County: All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a center line to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

South Carolina; Fairfield County: That area included within a circle having a 2-mile

radius and center at the intersection of South Carolina State Highways 22 and 227, approximately 5½ miles northwest of the city of Winnsboro.

Richmond County: All of Columbia Township, including all of the city of Columbia.

Tennessee; Shelby County: That area included with the corporate limits of the city of Memphis.

§ 301.72-3 *Regulated articles*—(a) *Articles the movement of which is prohibited.* The movement of live white-fringed beetles in any stage of development, except for scientific purposes, is prohibited. Provisions for the movement of live white-fringed beetles in any stage of development, for scientific purposes, are set forth in § 301.72-9.

(b) *Articles the movement of which is regulated.* Except as provided in administrative instructions, the movement of the following articles from any regulated area is regulated throughout the year:

(1) Soil, compost, manure, peat, muck, clay, sand, or gravel, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things, except that the movement of processed clay and washed or processed sand and gravel is not regulated.

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Uncleaned grass, grain, and legume seed.

(6) Potatoes (Irish), when freshly harvested.

(7) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(8) Hay and straw.

(9) Peanuts in shells and peanut shells.

(10) Scrap metal, junk, and cinders.

(11) Other articles, products, or things, the movement of which may involve a hazard of spread of white-fringed beetles, will be subject to safeguards as provided in § 301.72-8.

§ 301.72-4 *Conditions of movement*—

(a) *Certification required.* Regulated articles shall not be moved from any regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector, except as provided in § 301.72-5

(b) or as exempted in administrative instructions issued by the Chief of the Bureau.

(b) *Use of certificates on shipments.* Unless exempted by administrative instructions, and except as provided in § 301.72-5 (b) for movement of noncertified shipments under limited permits to designated destinations for processing, every container of regulated articles moved from any regulated area shall have securely attached to the outside thereof a certificate issued in compliance with the regulations in this subpart. However, in the case of bulk or lot shipments by rail a master certificate shall be attached to the waybill in lieu of the foregoing. In the case of bulk or lot shipments by road vehicle a master certificate shall accompany the vehicle and be surrendered to the consignee on delivery in lieu of the foregoing.

(c) *Articles originating outside the regulated areas.* No certificates are required for the movement of regulated articles originating outside of the regulated areas and moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been maintained, and when the articles have been protected, while in the regulated area, in a manner satisfactory to the inspector.

§ 301.72-5 *Conditions under which certificates and permits may be issued*—

(a) *Issuance of certificates.* Certificates authorizing the movement of soil, sand, gravel, clay, compost, manure, peat, or muck, originating in noninfested parts of the regulated areas, and of all other regulated articles from any part of the regulated areas may be issued upon determination by the inspector that the articles (1) are apparently free from infestation, (2) have been treated, fumigated, sterilized, or processed under the observation of an inspector according to a method selected by him from administratively authorized procedures known to be effective under the conditions applied, or (3) were grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby. Certificates authorizing the movement of soil, sand, gravel, clay, compost, manure, peat, or muck, originating in infested parts of the regulated area may be issued only when such materials have been treated or processed under the observation of an inspector

according to a method selected by him from administratively authorized procedures known to be effective under the conditions applied.

(b) *Limited permits.* Limited permits may be issued for the movement from a regulated area of noncertified regulated articles to such destinations and consignees as may be authorized and designated by the Chief of the Bureau for processing or other safe handling. As conditions of such authorization and designation, persons or firms receiving and moving such articles must maintain such sanitary safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, or subsequent movement of regulated articles and cleaning of railway cars, trucks, or other vehicles used in the transportation of such articles as the inspector may require. These conditions shall be covered by a signed dealer-carrier agreement, and all such movement and handling must be under the direct and immediate supervision of an inspector.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or permits for the movement of regulated articles, any person or firm engaged in purchasing, assembling, exchanging, processing, or carrying such regulated articles originating or stored in regulated areas, may be required to sign a dealer-carrier agreement stipulating that he will carry out any and all conditions, treatments, precautions, and sanitary measures which are deemed necessary by the inspector, including segregation and maintenance of identity, under supervision of the inspector, of all regulated articles.

(d) The United States Department of Agriculture disclaims responsibility for any cost incident to inspection or treatment other than services of the inspector.

§ 301.72-6 *Request for certification; assembly of articles.* Persons intending to move regulated articles, the certification of which is required, from regulated areas shall request certification as far as possible in advance of the probable date of movement, and they may be required to prepare and assemble the articles to be inspected so that they may be readily examined by the inspector.

§ 301.72-7 *Cancellation of certificates or permits.* Certificates or permits issued

under the regulations in this subpart may be withdrawn or canceled and further certification refused by the inspector whenever he determines the further use of such certificates or permits might result in the dissemination of white-fringed beetles.

§ 301.72-8 *Disinfesting vehicles, machinery, containers, and other articles.* When in the judgment of the inspector a hazard of spread of white-fringed beetles is involved, thorough cleaning, disinfestation, or other sanitary treatments of seed cotton and cottonseed, forest products, building materials, railway cars, trucks, other vehicles, machinery, implements, containers, or other articles will be required by the inspector before they may be moved to points outside the regulated areas.

§ 301.72-9 *Shipments for scientific purposes.* Live white-fringed beetles in any stage of development and regulated articles may be moved for scientific purposes on such conditions as may be prescribed by the Chief of the Bureau. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended, provides that any person who shall violate any of the provisions of the quarantine or regulations in this subpart pursuant thereto shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both fine and imprisonment in the discretion of the court.

STATE AND FEDERAL INSPECTION

State and Federal regulations for which provision is made in this quarantine are enforced cooperatively by State and Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the offices of the Bureau of Entomology and Plant Quarantine, P. O. Box 989, Gulfport, Miss., 616 Mulberry St., Macon, Ga., or through a White-Fringed Beetle Inspector at one of the suboffices, or at one of the following State offices:

GENERAL OFFICES OF STATES COOPERATING

Alabama: Chief, Division of Plant Industry, Montgomery 1.

Florida: Plant Commissioner, State Plant Board, Gainesville.

Georgia: Director of Entomology, State Capitol, Atlanta 3.

Louisiana: State Entomologist, Box 4153, Capitol Station, Baton Rouge 4.

Mississippi: Entomologist, State Plant Board, State College.

North Carolina: State Entomologist, Department of Agriculture, Raleigh.

South Carolina: Entomologist, State Crop Pest Commission, Clemson College, Clemson.

Tennessee: State Entomologist and Plant Pathologist, 65 Biology Building, University of Tennessee, Knoxville.

Part 303—Cooperative Suppression of Plant Diseases and Insect Pests [Added]

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1949 SEASON

Sec.

303.1 Compensation only to nongrowers of potatoes.

303.2 Compensation to nonowners of land involved.

303.3 Compensation to owner-operators.

303.4 Agreement and voucher forms.

AUTHORITY: §§ 303.1 to 303.4 issued under sec. 6, 62 Stat. 443; 7 U. S. C. Sup., 150e.

SOURCES §§ 303.1 to 303.4 appear at 14 F. R. 5504, Sept. 7, 1949.

§ 303.1 *Compensation only to nongrowers of potatoes.* Compensation will be paid only to those growers who refrained from planting potatoes on land infested or exposed to infestation by the golden nematode, and who grew on such lands only such crops as were approved by the Department of Agriculture and Markets of the State of New York.

§ 303.2 *Compensation to nonowners of land involved.* The State of New York, through its Commissioner of Agriculture and Markets, will assume full responsibility for and make the entire compensation payments to growers who refrained from planting potatoes on land which was infested or exposed to infestation by the golden nematode and which was not owned by such growers within the limitations imposed by the provisions of Chapter 321 of the Laws of 1949, of the State of New York.

§ 303.3 *Compensation to owner-operators—(a) Apportionment of losses.* Losses to owner-operators of lands infested by or exposed to the golden nematode who refrained from growing potatoes shall be borne by the United States Department of Agriculture, the Department of Agriculture and Markets

of the State of New York, and the owner-operator.

(b) *Joint payments by Federal and State governments.* The full and uniform amount to be paid jointly by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York to each owner-operator of lands infested by or exposed to the golden nematode shall be at the rate of \$150 per acre, divided equally between the two named agencies. The payment of \$150 will be made only to owners who have complied in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York.

(c) *Computation of payments.* It has been determined that, based on (1) the estimated value of crops that were approved by the Department of Agriculture and Markets of the State of New York for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Nassau County, Long Island, New York, (3) the average annual yield of potatoes in said Nassau County, and (4) the estimated sale value of potatoes in that area, the joint compensation of \$150 per acre will not be more than two thirds of the total loss accruing to the owner-operator.

§ 303.4 *Agreement and voucher forms.* As a condition of payment each owner-operator shall enter into an agreement with the Department of Agriculture and Markets of the State of New York, which shall be executed at least in duplicate. One fully executed copy of the agreement and a certificate by a responsible officer of the Department of Agriculture and Markets of the State of New York, both of which shall be substantially in the form appended hereto,¹ shall be attached to and made a part of each voucher (Standard Form 1034) executed by a grower seeking to receive compensation from the United States Department of Agriculture. The purpose of the voucher shall be stated substantially as follows:

One-half of compensation for refraining from planting potatoes on ----- acres of land infested by or exposed to the golden nematode.

¹ Filed as a part of the original document.

Part 319—Foreign Quarantine Notices

Subpart—Citrus Fruit

Sec.

319.28 Notice of quarantine. [Amended]

Subpart—Nursery Stock, Plants and Seeds

QUARANTINE

319.37a Administrative instructions exempting sterile cultures of orchid seedlings in glass containers from some of the requirements of nursery stock, plant, and seed quarantine regulations. [Added]

RULES AND REGULATIONS

319.37-2a Administrative instructions exempting certain restricted articles from some of the requirements of the nursery stock, plant, and seed quarantine regulations. [Added]

319.37-18 Size-age limitations. [Revised]

319.37-19 Postentry quarantine. [Amended]

319.37-24a Administrative instructions restricting issuance of permits for the importation of citrus seeds. [Added]

Subpart—Fruits and Vegetables

RULES AND REGULATIONS

319.56-2d Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits. [Revised]

319.56-2e Administrative instructions; importation of Vinifera grapes and certain other deciduous fruits subject to in-transit sterilization authorized. [Superseded]

SUBPART—CITRUS FRUIT

§ 319.28 *Notice of quarantine.*

CODIFICATION: In § 319.28 (a) Mozambique was deleted from the list of localities from which importation of citrus fruit is prohibited, 14 F. R. 7513, Dec. 16, 1949.

SUBPART—NURSERY STOCK, PLANTS AND SEEDS

QUARANTINE

§ 319.37a *Administrative instructions exempting sterile cultures of orchid seedlings in glass containers from some of the requirements of nursery stock, plant, and seed quarantine regulations.* (a) Sterile cultures of orchid seedlings in glass containers may be imported into the United States without further permit other than the authorization contained in this paragraph, but subject to the conditions and requirements of § 319.37-2.

[BEPQ 584, 14 F. R. 7288, Dec. 6, 1949]

RULES AND REGULATIONS

§ 319.37-2a *Administrative instructions exempting certain restricted articles from some of the requirements of the nursery stock, plant, and seed quarantine regulations.* Pursuant to the first proviso of § 319.37 (a) the following articles are hereby exempted from the requirements of the regulations specified below, which are supplemental to that quarantine:

(a) Restricted plant material (except *Aglaonema*) for food, analytical, medicinal, or manufacturing purposes, enterable under § 319.37-2, is hereby exempted from the notice of arrival requirements of § 319.37-11.

(b) All grains and cereals from Canada which are restricted plant material enterable under § 319.37-2 are hereby exempted from the provisions of §§ 319.37-7, 319.37-8, 319.37-9, 319.37-11, 319.37-15, and 319.37-16, relating respectively to costs and charges, inspection, treatment, notice of arrival, freedom from soil, and approved packing materials.

[BEPQ 576, 14 F. R. 1167, Mar. 16, 1949]

§ 319.37-18 *Size-age limitations.* (a) Except as provided in this paragraph, all restricted trees and shrubs to be imported shall be limited to the youngest and smallest, normal, clean, and healthy plants which can be successfully freed from soil about their roots, transported to the United States, and established. The inspector may use as a maximum size criterion in enforcing this limitation the normal size of plants no more than two years of age when they have been grown from seeds or cuttings, or having no more than one year's growth after severance from the parent plant when produced by layers, or having no more than two seasons' growth from the bud or graft when they have been produced by budding or grafting, except that the maximum size criterion for rhododendrons (including azalea) or other genera or species of similar slow growth habit shall be the normal size of plants no more than three years of age when they have been grown from seeds or cuttings, or having no more than three years' growth from the bud or graft, or no more than two years' growth after severance in the case of layers. The size-age limitation shall not apply to naturally dwarf or miniature forms not exceeding 12 inches in height from the soil line nor to artificially dwarfed forms of the character popular in parts of the Orient. Whenever the

importer makes a showing with his application for permit, satisfactory to the inspector responsible, that importation of a larger plant, such as, for example, a specimen plant, is necessary, and if in the opinion of the inspector such larger plant may be imported under conditions prescribed in the permit without added risk of pest entry, the inspector may authorize an exception to the limitation of this paragraph and shall specify the exception in the permit.

(b) Herbaceous perennials which are usually imported in the form of root crowns or clumps shall be limited to one-year-old plants produced from single propagating units, or, when consisting of divided clump material, such as *Astilbe*, to divisions comparable to one-year-old plants produced from single propagating units.

(c) Whenever the Chief of Bureau shall find that plants of any kinds, classes, or growth habit, when limited in size and age as set forth in paragraphs (a) and (b) of this section, are too young and small successfully to be freed of soil, transported, and established in the United States, he may set forth in administrative instructions other criteria for the size-age limitation of such plants.

(d) Except as provided in this paragraph, only seeds may be imported in the case of forest trees, species of any plants used for understocks, and woody ornamental plants that are botanical species or botanical varieties and which grow true from seed. The inspector responsible may issue a permit authorizing in advance the importation of plants rather than seeds of such species and varieties specified in this paragraph whenever the importer makes a showing with his application for permit, satisfactory to the inspector, that the plants desired cannot be produced from seed because either (1) they are variations which are reproduced by vegetative means only or (2) it is impossible or impracticable to import viable seed.

(e) Restricted plant material arriving in the United States contrary to any limitation provided in this section may be refused entry.

[14 F. R. 1169, Mar. 16, 1949]

§ 319.37-19 *Postentry quarantine.*

* * * (c) * * *

*Plants to be grown
under postentry
quarantine*

*Where imported from
Europe, Japan, and
Siberia.*

*Rhododendron
brachycarpum*
D. Don.
*Rhododendron
calostrotum*
I. B. Balf &
F. K. Ward.
*Rhododendron
cantabile*
I. B. Balf.
*Rhododendron
dauricum* L.
*Rhododendron
fastigiatum*
Franch.
*Rhododendron
ferrugineum* L.
*Rhododendron
hippophaeoides*
I. B. Balf &
W. W. Smith.
*Rhododendron
hirsutum* L.
*Rhododendron
indicum*
Sweet.
*Rhododendron
intermedium*
Tausch.
*Rhododendron
kaempferi*
Planch.
*Rhododendron
keleticum*
I. B. Balf &
Forrest.
*Rhododendron
kotschyi*
Simonk.
*Rhododendron
klusianum*
Makino.
*Rhododendron
micranthum*
Turcz.
*Rhododendron
myrtifolium*
Lodd.
*Rhododendron
oldhami*
Maxim.
*Rhododendron
parvifolium*
Adams.
*Rhododendron
ponticum* L. var.
baeticum
Boiss &
Reut.
*Rhododendron
pruniflorum*
Hutchinson &
F. K. Ward.
*Rhododendron
racemosum*
Franch.

*Plants to be grown
under postentry
quarantine*

Where imported from

Rhododendron
roylei
Hook, f.
Rhododendron
sauve
Hort.

Europe, Japan, and
Siberia.

CODIFICATION: In paragraph (c) the list of rhododendrons was amended to read as set forth above, 14 F. R. 5707, Sept. 17, 1949.

§ 319.37-24a *Administrative instructions restricting issuance of permits for the importation of citrus seeds.* In accordance with § 319.37-24 the Chief of the Bureau of Entomology and Plant Quarantine has determined that the Plant Commissioner of the State Plant Board of Florida has taken action to suppress citrus canker (*Xanthomonas citri* (Hasse) Dowson), quick decline, and other dangerous diseases affecting citrus, and has promulgated as Rule 28 of rules and regulations made by the State Plant Board pursuant to the Florida Plant Act of 1927, effective March 31, 1947, a plant quarantine prohibiting the entry into Florida in interstate commerce of any and all kinds of citrus trees and parts thereof, including, among other parts, citrus seeds, with certain exceptions not applicable to the movement of such seeds. Further, the Plant Commissioner of the State Plant Board of Florida has requested that the United States Department of Agriculture cooperate in connection with such quarantine by prohibiting the importation into Florida from all foreign countries of citrus seeds. Under authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 319.37-24: *It is hereby ordered*, That permits will be issued for the importation of citrus seeds from any foreign country only if such seeds are to be imported into a place within the United States other than the State of Florida.

[BEPQ 582, 14 F. R. 6557, Oct. 27, 1949]

SUBPART—FRUITS AND VEGETABLES

RULES AND REGULATIONS

§ 319.56-2d *Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits—(a) Treatments authorized.* The following cold treatments are authorized

for imported *Vinifera* grapes and any other fresh fruits enterable under § 319.56-2 under permit and upon compliance with applicable regulations in this subpart:

(1) *Phases of treatments.* Authorized cold treatments shall consist of (i) precooling, during which the fruit shall be cooled until its pulp temperature is at or below a level designated in or under this paragraph and (ii) refrigeration, during which the fruit shall be held at or below this level for a number of days designated in or under this paragraph.

(2) *Refrigeration temperatures and periods.* Fruit cold treated because of the Mediterranean fruitfly shall be refrigerated for a period of 12 days at or below 34° F., or for 16 days at or below 36° F. Fruit cold treated because of fruitflies of the genus *Anastrepha* shall be refrigerated for a period of 16 days at or below 33° F., or for 18 days at or below 34° F., or for 20 days at or below 35° F. Refrigeration temperatures and periods for fruit to be cold treated because of other species of fruitflies may be designated by the Chief of the Bureau of Entomology and Plant Quarantine, if experimental data are available concerning applicable treatments of known effectiveness.

(b) *Place and manner of treatments—*

(1) *Places of precooling and refrigeration.* Refrigeration may be conducted while the fruit is on shipboard in transit to the United States. If not so refrigerated, the fruit shall be both precooled and refrigerated after arrival only in cold storage warehouses approved by the Chief of the Bureau of Entomology and Plant Quarantine and located at the port of New York or such other northern ports as he may hereafter designate. Fruit which is to be refrigerated in transit shall be precooled either at a dockside refrigeration plant prior to loading aboard the carrying vessel, or aboard the carrying vessel prior to its departure. Refrigeration shall be completed in the compartment or room in which it is begun.

(2) *Precooling of fruit before departure.* Fruit which is to be refrigerated in transit must be precooled to the temperature designated in or under paragraph (a) of this section before it leaves the port of shipment in the country of

its origin and a certificate to that effect, issued by a responsible official of the Department of Agriculture of such country shall accompany each cargo of the fruit to its destination. The precooling may be conducted in accordance with either subdivisions (i) or (ii) of this subparagraph:

(i) Fruit may be precooled at a dock-side refrigeration plant prior to loading aboard the carrying vessel. Such fruit shall be precooled to a temperature at which it can be transferred to the refrigerated compartments on such vessel without a rise above the maximum temperature prescribed in or under paragraph (a) of this section. The certifying official shall sample fruit temperatures in all sections of the lot of fruit until he is satisfied that complete precooling has been accomplished in accordance with this section. As the loading proceeds the certifying official shall take frequent temperature readings of individual boxes of fruit. A record of such temperature readings shall accompany the certificate.

(ii) Fruit may be precooled aboard the carrying vessel. Such fruit shall be precooled in the same refrigerated compartments in which it is to be refrigerated. The boxes of the fruit shall be spaced, by horizontal wooden strips, so that each has at least one inch of clearance above and below to allow free circulation of the cooling air. At least two inches of clearance shall be allowed between stacks of the fruit. The certifying official shall sample fruit temperatures in all sections of the compartment until he is satisfied that complete precooling has been accomplished. The entire precooling must be completed as provided in these instructions and the certificate issued before the carrying vessel leaves the country of origin.

(3) *Refrigeration in transit.* (i) Refrigeration in transit shall consist of holding the fruit temperature at or below the maximum temperature level for the number of days prescribed in or under paragraph (a) of this section. A continuous, automatic temperature record under lock shall be maintained from at least four locations to be designated in each refrigerated compartment by an inspector of the Bureau of Entomology and Plant Quarantine. In large refrigerated compartments additional temperature

elements may be required. Vessels whose temperature recording apparatus of less than four elements per compartment has already been approved by the Chief of such Bureau may be allowed to continue with their present equipment. Charts from the temperature recording apparatus shall be made readily available to an inspector of such Bureau at the port of arrival.

(ii) Refrigeration shall begin when the loading of precooled fruit has been completed or when the certifying official is satisfied that precooling aboard the vessel has been completed. The certifying official shall designate and initial on the thermograph chart the beginning of the refrigeration period. Refrigeration shall continue until the vessel arrives at the port of destination and the fruit is released for unloading by an inspector of the Bureau of Entomology and Plant Quarantine, even though this may prolong the refrigeration beyond the required period.

(4) *Safeguarding untreated fruit.* Whenever fruit is offered for entry as cold treated in transit and it cannot be established to the satisfaction of such inspector that the fruit has received the required cold treatment, such safeguards against the spread of fruitfly infestation as the inspector may prescribe shall be immediately applied.

(5) *Cold treatment after arrival.* (i) Fruit to be both precooled and refrigerated after arrival in the United States shall be delivered under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine to the approved cold storage warehouse where such treatment is to be conducted.

(ii) The fruit must arrive at a temperature sufficiently low to prevent insect activity and shall be promptly precooled and refrigerated. An automatic, continuous temperature record is required of each refrigeration, like that prescribed in subparagraph (3) of this paragraph for refrigeration in transit. The number of records required will be designated by the inspector for each refrigeration, depending upon the circumstances of each operation.

(iii) Shipments offered for entry before cold treatment may be allowed to leave customs custody under redelivery bond for cold treatment. Final release of

the shipment by the Collector of Customs will be effected after the inspector has notified the Collector of Customs that the required cold treatment has been given.

(6) *Containers and season of arrival.* There are no restrictions on the types of containers in which fruit may be packed, nor on the season of the year during which shipments may be made. Untreated fruit arriving in broken containers must be immediately repacked under the supervision of an inspector or the contents must be immediately destroyed in a manner satisfactory to the inspector.

(7) *Procedures in country of origin.* (i) By arrangement between the Chief of the Bureau of Entomology and Plant Quarantine and the equivalent official in the country of origin, certifying officials will be designated by the country of origin. Their signatures shall be filed with the Bureau of Entomology and Plant Quarantine.

(ii) Each container of fruit intended for intransit refrigeration shall be stamped or marked as it is loaded on the carrying vessel so that it can be readily identified as such. Fruit being shipped under permit to be completely cold treated at the Port of New York or other subsequently designated northern ports shall not be so marked.

(iii) Fruit precooled at a dockside refrigeration plant shall be transferred to the refrigerated compartments on the carrying vessel without a rise in temperature above the maximum for the desired refrigeration. When this transfer has been accomplished, the certifying official shall issue a certificate of precooling.

(iv) Fruit to be precooled on the carrying vessel in the refrigerated compartments shall be loaded under supervision of the certifying official to assure that all packages have the proper clearance on all sides. When precooling has been completed, a certificate of precooling shall be issued by such official.

(v) Fruit in transit for cold treatment after arrival shall be loaded in a separate compartment and segregated from any fruit that is being refrigerated in transit.

(vi) Fruit not intended for any phase of cold treatment shall not be loaded in the same refrigerated compartment with fruit to be given such cold treatment.

(vii) The certifying official shall calibrate the elements of the temperature recording instruments not more than 3

days prior to the loading of fruit, by immersing them in a 32° F. mixture of crushed ice and water, and recording their deviation from 32° F. He shall also supervise the placement of the temperature elements in the proper places in the cargo of fruit.

(viii) The certificate of precooling shall be issued in quadruplicate, to cover the cargo of one vessel. The original certificate shall be airmailed to the inspector of the Bureau of Entomology and Plant Quarantine in charge at the port of destination. One copy shall accompany the carrying vessel. The third copy shall be mailed to the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C. A record showing calibration of the elements of the temperature recording instruments, as required in subdivision (vii) of this subparagraph shall be attached to each certificate, along with any record of the fruit temperature readings required in subparagraph (2) (i) of this paragraph. The certificate shall also show the identifying stamp or mark placed on all containers of fruit undergoing intransit refrigeration.

(c) *Approval of precooling plants, refrigerated compartments, warehouses.* All precooling plants in the country of origin, the refrigerated compartments on the carrying vessels, and cold storage warehouses at the Port of New York or subsequently designated northern ports must have prior approval of the Chief of the Bureau of Entomology and Plant Quarantine before any phase of cold treatment is begun. Requests for such approval shall be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, New Jersey.¹

(d) *Caution and disclaimer.* In prescribing cold treatments of Vinifera grapes and certain other fruits, it should be emphasized that inexactness and carelessness in applying the treatments may result in injury to the fruit, or its rejection for entry. The cold treatments required for the entry of fruit are considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event injury

¹ Applications for permits to import fruit under this subpart may also be made to said Import and Permit Section.

results to fruit offered for entry in accordance with these instructions.

[BEPQ 583, 14 F. R. 6976, Nov. 17, 1949]

§ 319.56–2e *Administrative instructions; importation of Vinifera grapes and certain other deciduous fruits subject to in-transit sterilization authorized.* [Superseded]

CODIFICATION: § 319.56–2e was superseded by § 319.56–2d, BEPQ 583, 14 F. R. 6976, Nov. 17, 1949.

Part 320—Mexican Border Regulations

Sec.

320.9 Fees for disinfection in Government-owned facilities. [Revised]

§ 320.9 *Fees for disinfection in Government-owned facilities.* Prior to entry of railway cars or other vehicles requiring fumigation in Government-owned facilities as a condition of entry, the owner or agent in charge shall buy fumigation coupons from the inspector in charge at the port of entry. The price fixed for these coupons shall represent as nearly as may be, the average cost of materials, facilities, and special labor used by the Bureau of Entomology and Plant Quarantine in performing such fumigation. On the basis of the average cost for such fumigation, the inspector in charge shall, until further notice, collect a fee of \$6.00 for each coupon sold. Payments for coupons, if practicable, shall be in the form of postal money orders, or bank drafts or certified checks drawn on United States banks, drawn to the credit of the Treasurer of the United States. Payments in United States currency will be accepted if tendered. All fees so collected by the inspector shall be promptly turned into the Treasury of the United States as miscellaneous receipts in accordance with the practices approved by the Secretary of Agriculture. [14 F. R. 6713, Nov. 5, 1949]

Part 321—Restricted Entry Orders

SUBPART—FOREIGN POTATOES

IMPORTATION OF POTATOES

Sec.

321.8 Special provision for the importation of potatoes from Bermuda and the Dominion of Canada (except Newfoundland), the States of Chiapas, Guanajuato, Jalisco, Queretaro, San Luis Potosi, Sonora, and Tamaulipas, Mexico, and the Northern Territory of Baja California, Mexico, into the United States. [Revised]

§ 321.8 *Special provision for the importation of potatoes from Bermuda and the Dominion of Canada (except Newfoundland), the States of Chiapas, Guanajuato, Jalisco, Queretaro, San Luis Potosi, Sonora, and Tamaulipas, Mexico, and the Northern Territory of Baja California, Mexico, into the United States.* (a) Potatoes may be imported from Bermuda and the Dominion of Canada (except Newfoundland) into the United States or any of its Territories or Districts, free of any restrictions whatsoever, until otherwise ordered, under the Plant Quarantine Act of August 20, 1912.

(b) Importations from the State of Sonora, Mexico, will be permitted to enter through the ports of Douglas, Naco, and Nogales, Ariz., and such other ports as may be designated in the permit; importations from the States of Chiapas, Guanajuato, Jalisco, Queretaro, San Luis Potosi, and Tamaulipas, Mexico, will likewise be permitted to enter through these ports and, in addition, through the ports of Brownsville, Laredo, Eagle Pass, and El Paso, Tex., and such other ports as may be designated in the permit.

(c) Importations from the Northern Territory of Baja California, Mexico, will be permitted to enter through the ports of Calexico and San Ysidro, California, and such other ports as may be designated in the permit.

(d) Importations of potatoes thus authorized entry from Mexico shall be in compliance with the provisions of §§ 321.2 to 321.7.

[14 F. R. 2162, May 3, 1949]

Part 352—Treatment of Restricted or Prohibited Plants or Plant Products Temporarily in the United States

REGULATIONS

Sec.

352.9 Oranges, tangerines, and grapefruit from Mexico in transit to foreign countries via the United States. [Revised]

§ 352.9 *Oranges, tangerines, and grapefruit from Mexico in transit to foreign countries via the United States—*(a) *Entry via ports on the Mexican border—*(1) *Permits.* The forwarding agent or other representative of the consignee or consignor in the United States, of oranges, tangerines, and grapefruit

from Mexico, shall in advance of shipment procure a permit from the Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J., or from the local office of that Bureau at the Mexican border port through which the shipment will be imported. The application for permit shall indicate the proposed routing of the shipment. Separate permits must be procured for each port of entry and for each country of destination, but permits as issued may be continuing for shipments over the approved routes designated therein.

(2) *Origin of oranges, tangerines, and grapefruit.* Oranges, tangerines, and grapefruit from any state in Mexico may enter at approved ports in accordance with the provisions of this section.

(3) *Authorized ports of entry.* Oranges, tangerines, and grapefruit may enter at Naco and Nogales, Arizona; and Brownsville, Eagle Pass, El Paso, and Laredo, Texas.

(4) *Period of entry.* The entry of oranges, tangerines, and grapefruit from the State of Sonora, Mexico is authorized throughout the year. Oranges, tangerines, and grapefruit originating in other Mexican States may enter from October 1 through April 30.

(5) *Notice of arrival.* Prior to entry, a notice of arrival, in duplicate, shall be submitted to the collector of customs at the port of entry, on a form provided for that purpose, giving the initials and number of the railroad car and the authorized routing, together with other information called for by the form.

(6) *Containers.* Transportation and exportation entry of oranges, tangerines, and grapefruit from any point in Mexico is contingent upon the fruit being packed in containers of the approximate size customarily used by the trade for marketing such fruit in the United States.

(7) *Inspection.* Each shipment shall be subject to inspection at the port of entry to determine the nature of the contents.

(8) *Disinfection.* Each car shall be subject to such treatment at the port of entry as the inspector shall require.

(9) *Type of railway car to be used and icing practices in transportation and exportation of oranges, tangerines, and grapefruit.* (i) Refrigerator cars of

United States or Canadian ownership only shall be used for transportation and exportation to Canada of oranges, tangerines, and grapefruit from Mexico.

(ii) All refrigerator cars transporting oranges, tangerines, and grapefruit from States in Mexico other than Sonora shall be iced prior to crossing at Brownsville, Eagle Pass, El Paso, and Laredo, Texas, and shall be re-iced if necessary south of Little Rock, Arkansas, or a line drawn east and west therefrom. North of such a line no further icing is required. Icing, insofar as these regulations require, may be omitted if all openings leading from the car to the ice bunkers are covered with a 14-mesh fly screen in a manner satisfactory to the inspector. All such cars must move through the United States with all doors closed and sealed.

(10) *Authorized bonded rail movement.* (i) All such shipments in refrigerator cars of United States or Canadian ownership shall move by direct, authorized rail routing in bond under customs seal without diversion from the port of entry to the port of exit, as follows:

(ii) Fruit may be entered at Nogales or Naco, Arizona, only for direct rail routing to El Paso, Texas, after which it as well as all other enterable fruit shall traverse only the territory bounded on the west by a line drawn from El Paso, Texas, to Salt Lake City, Utah, and Portland, Oregon, and on the east by a line drawn from Brownsville, Texas, through Houston, Texas, to Memphis, Tennessee, on to Louisville, Kentucky, and due east therefrom, such territory to include railroad routes from Brownsville to Houston and direct northward routes therefrom. Fruit may enter the United States from Mexico for direct eastward rail routing and reentry into Mexico provided such entry and reentry are accomplished along that part of the Mexican border between and including Nogales and El Paso.

(11) *Cleaning of cars prior to return to the United States.* Cars that have been used to transport Mexican citrus fruit through the United States to Canada shall be carefully swept and freed from all fruit, as well as boxes and other rubbish, by the railroad company involved prior to reentry into the United States.

(b) *Entry via North Atlantic Ports—*
(1) *General requirements.* The requirements of paragraphs (a) (1), *Permits*; (a) (4), *Period of entry*; (a) (5), *Notice*

of arrival; (a) (7), *Inspection*; and (a) (11), *Cleaning of cars prior to return to United States*, of this section, shall be adapted to oranges, tangerines, and grapefruit transported from Mexico to foreign countries via North Atlantic ports.

(2) *Origin of oranges, tangerines, and grapefruit.* Oranges, tangerines, and grapefruit from any State in Mexico may move by the routing authorized in subparagraph (4) of this paragraph.

(3) *Authorized ports of entry.* Oranges, tangerines, and grapefruit may

enter at New York and Boston and such other northern ports as may be named in the permit.

(4) *Authorized routing.* All shipments entering via North Atlantic ports shall move by direct water-route to New York or Boston, or to such other northern ports as may be named in the permit, for immediate direct export by water route or for immediate transportation and exportation in bond by direct approved rail route to Canada. Shipments may also enter at Brownsville, Texas, for exportation involving water routes.

[14 F. R. 6109, Oct. 7, 1949]





